

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYKO GLOBAL, INC. and KYKO
GLOBAL GMBH,

Plaintiffs.

PRITHVI INFORMATION SOLUTIONS, LTD., et al.,

Defendants.

CASE NO. C13-1034 MJP

ORDER DENYING APPLICATION
FOR RENEWAL OF JUDGMENT

This matter comes before the Court on Plaintiffs' Application for Renewal of Judgment. No. 438.) Having reviewed the Application and supporting materials, the Court DENIES application without prejudice.

Execution of a federal court's judgment "must accord with the procedure of the state where the court is located, [unless] a federal statute governs." Fed. R. Civ. P. 69(a). Here, under Washington law, the party in whose favor a judgment has been recorded may "within ninety days before the expiration of the original ten-year period, apply to the court that rendered the

1 judgment . . . for an order granting an additional ten years during which an execution,
2 garnishment, or other legal process may be issued.” RCW 6.17.020(3). State law requires the
3 moving party to “pay to the court a filing fee equal to the filing fee for filing the first or initial
4 paper in a civil action in the court[.]” Id. And the statute instructs the court to renew judgments
5 “as a matter of right, subject to review only for timeliness, factual issues of full or partial
6 satisfaction, or errors in calculating the judgment summary amounts.” Id.

7 Though the Court finds Plaintiffs’ Application timely, it identifies two problems with the
8 Application that impede issuance of a renewed judgment.

9 First, there is no evidence that Plaintiffs paid the filing fee as required by RCW
10 6.17.020(3). This fee must be paid, though the Court notes that it is considered a recoverable cost
11 that “shall be included in the judgment summary.” Id.

12 Second, the Application fails to contain sufficient evidentiary support to allow the Court
13 to determine the accuracy of the new claimed judgment amount. The judgment Plaintiffs seek to
14 extend was entered as follows: “\$17,568,854 plus prejudgment interest accruing at the rate
15 agreed to between the parties at 2.45% per month in the total amount of \$796,776.” (Amended
16 Judgment (Dkt. No. 116).) Plaintiffs now ask for entry of judgment in the amount of
17 \$260,857,380.58, which Plaintiffs’ Agent, Bernadette Carroll, claims reflects the “total of
18 judgment with interest less payments received.” (Declaration of Bernadette Carroll (Dkt. No. 43
19 at 4).) This \$260 million judgment is the sum of \$18,437,630.20 (the sum of the Amended
20 Judgment) plus \$249,308,378.77 in interest “accrued per month calculated weekly,” less
21 \$6,101,852.44 in “payments received.” (Id.) While the Court finds the basic math supports the
22 net judgment amount, it lacks sufficient information to know whether the amount of interest
23 claimed is accurately calculated. The declaration lacks any backup data or explanation of the
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1 dates across which interest was calculated. Indeed, the declaration was signed on January 3,
2 2023, one year prior to the filing of the Application. Moreover, there is no detail about when the
3 payments were received and how this was factored into Plaintiffs' interest calculations. Given
4 the uncertainty about the claimed interest, including the lack of a time-frame, supporting data or
5 calculation, or treatment of the payments received, the Court DENIES the Application. The
6 denial is without prejudice. The Court will consider a renewed application that sets forth
7 sufficient information to allow the Court to confirm that the interest is properly calculated to the
8 date of the renewed application and that the interest calculations properly account for any
9 payments received.

10 The clerk is ordered to provide copies of this order to all counsel.

11 Dated January 25, 2024.



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13 Marsha J. Pechman
14 United States Senior District Judge
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